IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KANAKSINH NOGUBHA JADEJA - Petitioner(s)
Versus
THE STATE OF GUJARAT THRO SECRETARY & 6 - Respondent(s)

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Appearance :

MR BHARAT T RAO for Petitioner(s) : 1,

Mr.MIHIR JOSHI, ADDL. ADVOCATE GENERAL WITH MR.MAULIK NANAVATI, ASSISTANT GOVERNMENT PLEADER for RespondentS 1 TO 3.
MR.CHIRAG PATEL FOR MRS RANJAN B PATEL WITH MR.B.S. PATEL for Respondent(s) : 4, 6,
MR BM MANGUKIYA for Respondent(s) : 5

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 16/07/2007

ORAL JUDGMENT

Heard the learned advocates for the parties. Mr.Bharat T. Rao for petitioner no.1. Mr.Mihir

Joshi, learned Additional Advocate General with Mr.Maulik Nanavati, learned Assistant Government Pleader for respondents no.1 to 3. Mr.B.M. Mangukia, learned advocate for respondent no.5. Mr.Chirag Patel for Mrs.Ranjan B. Patel with Mr.B.S. Patel for respondent no.4 and 6.

2. After hearing all the parties, in view of the fact that Mr.Bharat T. Rao, learned advocate for petitioner has already given a go by to the challenge to the bifurcation of Gondal APMC, as is recorded in order dated 23/24th January 2007 (para 5), now the question survives only about the election of the two newly constituted Agricultural Produce Market Committees (APMC).

3. Order dated 23/24th January 2007, whereby certain restrictions were placed on the working of the newly constituted APMC, Gondal as well as APMC, Kotada Sangani, respondents no.4 and 5, incorporated in para 9, it is deemed fit to continue those restrictions till the newly elected body takes charge of the affairs. However, it is clarified that

the restrictions imposed in para 9 of the order dated 23/24th January 2007 will not come in the way of passing necessary resolution to give effect to bifurcation of the erstwhile Gondal APMC.

4. Learned counsel for the parties have agreed before the Court that as the bifurcation of assets and liabilities is to take some time including that of conducting fresh elections for both the Market Committees after bifurcation period of nine months, i.e. by 30.04.2008, is prescribed as an outer limit to complete all the formalities and hold elections of the newly constituted APMCs.

It is clarified at the request of the learned advocates that, 'it is only due to peculiar facts and circumstances of this case that this direction is issued and this direction is not to be treated as precedent for future cases of bifurcation of the Market Committees regarding holding of election within period of less than two years.'

5. Mr.Bharat T. Rao, learned advocate has not

pressed the relief against bifurcation or any other relief.

In case of difficulty it will be open for the parties to approach this Court for necessary orders. The matter is disposed of with the aforesaid directions. Rule is made absolute to the aforesaid extent. No order as to cost.

(RAVI R. TRIPATHI, J.)

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